

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
WHEELING DIVISION**

MARK MCEVOY, *et al.*,  
Plaintiffs,

v.

DIVERSIFIED ENERGY COMPANY PLC, *et al.*,  
Defendants.

Civil Action No. 5:22-cv-00171-JPB  
Judge John P. Bailey  
Magistrate Judge James P. Mazzone

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**DIVERSIFIED’S OBJECTION TO THE ORDER [283] GRANTING IN  
PART MOTION TO QUASH OR IN THE ALTERNATIVE FOR PROTECTIVE ORDER**

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Diversified asks the Court to overturn the Order Granting in Part the Motion to Quash or in the Alternative for Protective Order (ECF No. 283) (the “Order”). While the Order correctly denied the Motion to Quash based on lack of jurisdiction, it granted the alternative Motion for Protective Order. As with the former relief, there was no jurisdiction to grant the latter relief. Additionally, the Order misapplies Federal Rule of Civil Procedure 26. For these reasons, and as further set out in the supporting memorandum, the Court should overrule the Order and should refuse to enter Plaintiffs or Plants and Goodwin Inc.’s requested protective order.

Respectfully submitted:

Dated: May 19, 2023

/s/ Howard M. Persinger, III

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and Alliance Petroleum Corporation*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on May 19, 2023, a copy of the foregoing was served on all counsel of record via the Court's electronic filing system.

/s/ Howard M. Persinger, III

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